

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F045701 People v. Lopez

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F045701 People v. Lopez

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041994 People v. Fair

Appellant's petition for rehearing filed herein is denied.

F044693 People v. Espinoza

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F044693 People v. Espinoza

The true finding on the prior serious felony conviction allegation under the three strikes law is reversed and the sentence is vacated. The cause is remanded for a new trial limited to the issue of the prior serious felony conviction allegation and for resentencing. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044848 People v. Phillips

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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- F044848** **People v. Phillips**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F045729** **In re J. V., a Minor**
The above-entitled case is submitted for decision.
- F044341** **People v. Miller**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F045409** **Taylor v. Quirk, Jr.**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.
- F044475** **Snow v. Almond Valley Ranch, Inc.**
The order is affirmed. Costs on appeal are awarded to respondent. Levy, J.
We concur: Dibiaso, Acting P.J.; Gomes, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F043957** **People v. Osborn et al.**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

IN THE

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Fifth Appellate District

F043178 **Roth et al. v. Rose**
F043603 **Roth et al. v. Rose**

In F043178, the judgment in favor of Michael Roth and Elizabeth Dankworth is affirmed. The judgment in favor of John Roth is reversed. Each party shall bear its own costs on appeal.

In F043603, the order awarding attorney fees to the bank, and to Michael Roth, Elizabeth Dankworth and John Roth, is reversed in its entirety. Each party shall bear its own costs on appeal. Ardaiz, P.J.

We concur: Dibiaso, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F046499 **In re S. B., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F046499 **In re S. B., a Minor**

The judgment is reversed, etc.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044959 **People v. Pate**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
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- F044959 People v. Pate**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F044104 Operating Engineers Local Union No. 3 International Assoc. of Operating Engineers et al. v. County of Stanislaus**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F044104 Operating Engineers Local Union No. 3 International Assoc. of Operating Engineers et al. v. County of Stanislaus**
The judgment is affirmed. Costs to respondents. Ardaiz, P.J.
We concur: Dibiaso, J.; Vartabedian, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F044146 People v. Cannon**
The judgment is affirmed. Dawson, J.
We concur: Harris, Acting P.J.; Levy, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F047285 In re Edgar W., a Minor**
F047431 In re Edgar W., a Minor
Appellant's motion to consolidate the above-entitled cases is granted.
- F045233 In re Zane H., a Minor**
Appellant's petition for rehearing filed herein is denied.

IN THE

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F044512 People v. Parras

Appellant's conviction is affirmed, as is his sentence except to the extent it includes imposition (and stay) of a fine pursuant to section 1202.45. The trial court is directed to amend the abstract of judgment to delete said fine and to forward a copy of the amended abstract to the Department of Corrections. Dawson, J.

I concur: Harris, Acting P.J.

Wiseman, J. (See dissenting opinion).

[CERTIFIED FOR PARTIAL PUBLICATION]

F047574 Kristi E. v. The Superior Court of Stanislaus County; Stanislaus County Community Services Agency

Pursuant to the terms of this court's order of April 18, 2005, and the failure of any party to request oral argument, the oral argument date of May 5, 2005, is vacated.

This matter is deemed submitted on the date of this order.

F043751 People v. David E.

The judgment is affirmed. Levy, J.

We concur: Harris, Acting P.J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045729 In re J. V., a Minor

The judgments (orders) appealed from are affirmed. Dibiaso, Acting P.J.

We concur: Levy, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045746 In re Matthew R., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F045746 **In re Matthew R., a Minor**
The judgment is affirmed.
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F047143 **People v. Reyna**
No brief having been filed by appellant after notice duly given under rule 17(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F046246 **In re J. V. et al., Minors**
The judgments (orders) appealed from are affirmed. Dibiaso, Acting P.J.

We concur: Levy, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]